

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and)	WC Docket No. 11-42
Modernization)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	

**COMMENTS OF THE BENTON FOUNDATION, THE OPEN TECHNOLOGY
INITIATIVE AT NEW AMERICA FOUNDATION, PUBLIC KNOWLEDGE, UNITED
CHURCH OF CHRIST, OC INC., THE CENTER FOR RURAL STRATEGIES, ACCESS
HUMBOLDT and DEEP TECH**

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Table of Contents

Background.....	Page 3
Introduction.....	Page 5
I. The Commission should design and implement pilot programs to investigate various methods for low-income adoption of broadband.....	Page 6
A. <i>The Commission must make affirmative steps either through reclassification or adding the broadband to the list of eligible services to ensure sound legal footing for the modernization of Lifeline and Link Up.....</i>	<i>Page 7</i>
B. <i>The Commission should use the pilot program to test out potential administrative changes to the Lifeline and Link Up programs through the pilot programs.....</i>	<i>Page 8</i>
C. <i>The Commission should ease all barriers to consumer participation in pilot programs.....</i>	<i>Page 8</i>
D. <i>Evaluations of the proposed pilot program should include both quantitative and qualitative components, consider various conceptualizations of “adoption,” and should be designed in a way that allows for the use of existing data to establish relevant evaluative baselines.....</i>	<i>Page 9</i>
1. <i>General Design Considerations.....</i>	<i>Page 10</i>
2. <i>Pilot Program Structure.....</i>	<i>Page 11</i>
3. <i>Characteristics of Equipment as Relative to Adoption.....</i>	<i>Page 12</i>
4. <i>Quantitative Metrics.....</i>	<i>Page 13</i>
5. <i>Evaluation of Relevant Impact of a Broadband Service Discount...</i>	<i>Page 15</i>
II. The Commission should not limit but rather expand eligibility and improve service for the low-income community.....	Page 15
Conclusion.....	Page 16

Background

The Benton Foundation, New America Foundation, Public Knowledge, United Church of Christ, OC Inc., the Center For Rural Strategies, Access Humboldt and Deep Tech (“Public Interest Commenters”) respectfully submit these comments in response to the Federal Communications Commission’s (“Commission”) Public Notice announcing its Further Inquiry into Four Issues in the Universal Service Lifeline/Link Up reform and Modernization Proceeding, released August 5, 2011 (“Further Inquiry Public Notice”).¹

The Benton Foundation² works to ensure that media and telecommunications serve the public interest and enhance our democracy. Benton pursues this mission by seeking policy solutions that support the values of access, diversity and equity, and by demonstrating the value of media and telecommunications for improving the quality of life for all. Benton is also a member of the Commission’s Consumer Advisory Committee (“CAC”) and through which Benton is a member of the Broadband Working Group. Benton has long advocated for the ubiquitous telecommunications access for all Americans.

The Open Technology Initiative at New America Foundation³ (“OTI”) promotes affordable, universal and ubiquitous communications networks through partnerships with communities, researchers, industry and public interest groups, and is committed to maximizing the potentials of innovative open technologies by studying their social and economic impacts – particularly for poor, rural, and other underserved constituencies.

¹ Public Notice DA 11-1336

² The Benton Foundation is a nonprofit organization dedicated to promoting communication in the public interest. These comments reflect the institutional view of the Foundation and, unless obvious from the text, are not intended to reflect the views of individual Foundation officers, directors, or advisors.

³ <http://newamerica.net>

Public Knowledge⁴ is a Washington, D.C.-based public interest group working to defend citizens' rights in the emerging digital culture. Its first priority is promote innovation and the rights of consumers, while working to stop any bad legislation from passing that would slow technology innovation, shrink the public domain, or prevent fair use.

The United Church of Christ⁵ is a faith community rooted in justice that recognizes the unique power of the media to shape public understanding and thus society. For this reason, UCC's Office of Communication, Inc. (OC, Inc.) works to create just and equitable media structures that give meaningful voice to diverse peoples, cultures and ideas. Established in 1959, OC Inc. ultimately established the right of all citizens to participate at the Federal Communications Commission as part of its efforts to ensure a television broadcaster in Jackson, MS served its African-American viewers during the civil rights movement.

The Center for Rural Strategies⁶ seeks to improve economic and social conditions for communities in the countryside and around the world through the creative and innovative use of media and communications. By presenting accurate and compelling portraits of rural lives and cultures, we hope to deepen public debate and create a national environment in which positive change for rural communities can occur. Rural Strategies helps communities and nonprofit organizations incorporate media and communications into their work in support of strategic goals.

⁴ <http://www.publicknowledge.org>

⁵ <http://www.uccfiles.com/ocinc/>

⁶ <http://www.ruralstrategies.org>

Access Humboldt⁷ is a non-profit, community based, public service media organization formed in April 2006 to manage local cable franchise benefits on behalf of the County of Humboldt, California and the Cities of Eureka, Arcata, Fortuna, Rio Dell, Ferndale and Blue Lake. Access Humboldt's mission is "Local voices through community media." We are an innovative, self-sustaining and trusted media resource for residents of Humboldt County. Access Humboldt seeks to connect diverse community members to local access media resources to engage in meaningful conversations that increase participation in civic life.

Deep Tech is a collaboration between independent communications researchers who study the social impact of communications technology and infrastructure. Together, we share principal investigator credit for the Broadband Adoption in Low-Income Communities study, which was commissioned by the FCC to inform the National Broadband Plan and was conducted through the Social Science Research Council.⁸

Introduction

As the Commission draws closer to a decision on updates and changes to the Lifeline and Link-Up programs, the Public Interest Commenters encourage the Commission to think broadly and creatively with respect to potential pilot projects. The Broadband Technology Opportunities Program (BTOP) and Broadband Initiatives Program (BIP) have demonstrated that communities that are given the flexibility to design their own broadband deployment and adoption projects will be more engaged in the process which will lead to a better outcome for Lifeline and Link Up reform. There is no doubt that transitioning the program from a voice subsidy to a broadband subsidy will require more than just funds. However, it is important for the Commission to

⁷ <http://accesshumboldt.net>

⁸ <http://deeptech.org/>

enhance the program so that each community can still utilize the Lifeline and Link-Up support within a program that is specially designed to meet the adoption needs of their community. These federal and state or local partnerships are not new to the Universal Service Fund, and we believe it's critical that the Commission carefully employ broadband pilot projects to test how federal support can engage with local partners to measure the Fund's ability to aid in broadband adoption. In addition to fostering federal-community engagement, the pilot projects must be designed in a way that test meaningful adoption hypotheses and permit meaningful examination of pilot data. To that end OTI, drawing on its experience as a BTOP program evaluator and its additional work with BTOP partners, offers an attached proposed Pilot Study Design, which the Commission can use in the design of a Lifeline and Link Up pilot program.

The Public Interest Commenters also agree that if the Commission wants to reach all intended participants of the Lifeline and Link Up programs, the Commission must redefine their "one per household" rule to legitimately encompass consumers that may be living in group homes or who are homeless. Thanks to improvements in technology, we are now able to provide these consumers Lifeline access to communications through mobile telephony. As we transition to broadband, mobile broadband may be one service that can help this vulnerable population gain access to critical information available on the Internet.

The Commission's notice of inquiry focused on four areas (1) designing, implementing and evaluating broadband pilot programs (2) limiting the availability to one per residence (3) revising the definition of Link Up service, and reducing Link Up support and (4) improving the verification process. The Public Interest Commenters have focused their reply comments on the first two areas noted in the Commission's notice of inquiry.

I. The Commission should design and implement pilot programs to investigate various methods for low-income adoption of broadband.

- A. *The Commission must make affirmative steps either through reclassification or adding broadband to the list of eligible services to ensure sound legal footing for the modernization of Lifeline and Link Up.*

The Commission seeks input on the legal authority to utilize universal service funds for broadband pilots under the Lifeline and Link Up programs. In order to provide the most solid footing for the use of Universal Service funds for broadband pilots⁹, the Public Interest Commenters believe that the Commission should seek to finish their consideration of title reclassification. The Commission's own proposed "Third Way" would allow the Commission to comfortably bring broadband service within the scope of the Universal Service Fund. Since that proceeding is still open, the Commission should consider adding broadband to the list of designated services for the Universal Service Fund. The Federal State Joint Board has already highlighted the importance of broadband service and the Commission's own National Broadband Plan detailed the need for universal broadband access and adoption. If the Commission worries that adding broadband to the list of designated services may overwhelm some of the smaller eligible telecommunications carriers in their deployment of services under the high cost portion of the fund, we urge the Commission to utilize narrowly tailored time-limited exemptions. Ultimately our goal is not to disrupt the plan for transition to broadband in the high cost portion

⁹ Indeed, Public Interest Commenters have repeatedly asserted to the Commission that classification of broadband as a Title II service is the best, and perhaps only, means of effectively ensuring broadband's inclusion in USF reform. *See* Reply Comments of Public Knowledge, GN Docket No. 10-127 (filed Aug. 12, 2010) at 2. "While the justifications put forward by commenters for expanding the scope of the Universal Service Fund under Title I ancillary authority are certainly a testament to deep reservoirs of legal creativity, they are fragile, inadequate, and unlikely to be accepted by a court." Comments of Center for Media Justice, Consumers Union, Media Access Project, and New America Foundation, GN Docket No. 10-277 (filed Jul. 15) at 7. "The Comcast case also casts into doubt the Commission's ability to facilitate the deployment of affordable broadband Internet connectivity service by reforming the Federal Universal Service Fund." *See also*, Reply Comments of Center for Media Justice, Consumers Union, Media Access Project, and New America Foundation, GN Docket No. 10-277 (filed Aug. 12, 2010) at 13; Comments of Free Press, GN Docket No. 10-277 (filed Jul. 15) at 25.

of the fund, but rather to ensure that there are no technical barriers to exploring broadband pilot programs under the Lifeline and Link Up section of the fund.

B. The Commission should use the pilot program to test out potential administrative changes to the Lifeline and Link Up programs through the pilot programs.

Public Interests Commenters believe that the pilot programs are an opportunity for the Commission to test out the potential changes to eligibility, verification, disbursement of the program, and outreach. The Commission has considered raising eligibility to 150% of the poverty line from 135%, and we strongly agree with this change to the program. We also believe that the pilots will be an opportunity for the Commission to test out this potential change. By creating varied pilots, the Commission will have the flexibility to test changes that the Commission is considering alongside existing administrative structures.

C. The Commission should ease all barriers to consumer participation in pilot programs.

Public Interest Commenters support easing or eliminating all possible barriers to consumer participation. The success of the pilots depends on the ability of the pilots to reach all intended participants of the Lifeline and Link Up programs. This broad scope will require careful consideration by the Commission at the proposal stage of any pilot to ensure that enrollment and verification procedures do not add layers of administrative work for participants. Ideally the pilots will propose systems that could streamline the existing enrollment processes. The Public Interest Commenters also encourage the Commission to design programs that allow greater consumer control and have robust systems to respond to and document consumer complaints. We support the National Association of Regulatory Utility Commissioners (NARUC) recommendation that “the Commission not to require Lifeline/Link Up broadband service pilot program participants to change local telephone service providers, purchase bundled

broadband and voice services, or otherwise be penalized when they purchase Lifeline and Link Up broadband services and enabling access devices.” This recommendation should be clearly delineated by the Commission in the order establishing a Lifeline/Link Up broadband pilot program.

D. Evaluations of the proposed pilot program should include both quantitative and qualitative components, consider various conceptualizations of “adoption,” and should be designed in a way that allows for the use of existing data to establish relevant evaluative baselines.

The Commission requests further comment on the structure of the pilot projects as well as comment on project evaluations and reporting requirements for pilot participants.¹⁰ As experienced evaluators of digital literacy and broadband adoption programs through its role in several BTOP grants, the Open Technology Initiative at New America Foundation (“OTI”), along with other Public Interest Commenters, offers the following comments. In addition to the comments below, OTI also attaches a proposed Pilot Study Design based on those experiences.¹¹

While Public Interest Commenters attempt in their comments and in OTI’s attached proposed study to address the relevant Commission questions in turn, we also want to caution the Commission against relying too heavily on old Universal Service Fund models relating to legacy telephone use and adoption. Just as broadband use and adoption patterns are considerably more nuanced and complicated than those of the telephone, *measuring* use and adoption of broadband must include broader metrics and varying methods of evaluation. The resulting pilot design will ultimately be more complex given the expanded scope, but as we demonstrate below, administering such a study is manageable.

¹⁰ Public Notice at 3.

¹¹ Attached as Appendix A.

1. General Design Considerations

In framing the study design, Public Interest Commenters recommend a focus on “adoption,” characterized by observing the ways in which pilot participants develop and use digital skills, and gauging whether the kinds of uses learned are leading toward long-term, sustainable adoption that positively impacts participants’ quality of life. To that end, we have attached a series of questions that were developed and posed by BTOP program partners and which can be categorized into four interest areas: (1) modality; (2) use/learning; (3) relevance; and (4) satisfaction.¹² We note that defining adoption is indeed an initial hurdle, and one with significant impacts on the results of a study.¹³ Thus, Public Interest Commenters propose a definition that contemplates not only home subscription rates (the Commission’s definition in its Consumer Broadband Survey¹⁴), but also access to public computer centers. OTI’s previous evaluation experience suggests that the latter type of access is equally as important as the former, as it can supplement an otherwise insufficient home connection, serve as a safety net against sudden or unexpected disruption to home service and foster community-centered use and learning, enhancing the “adoption” experience.¹⁵

To adequately capture the complexities of adoption, the Commission should study populations in a variety of locations and using a variety of sampling techniques and sample sizes.¹⁶ Multiple, varied sites allows the Commission to control for demographic and geographic

¹² Appendix A at 2.

¹³ *Id.* at 5.

¹⁴ John B. Horrigan, “Broadband Adoption and Use in America: Results from an FCC Survey,” (March 2010).

¹⁵ Appendix A at 5.

¹⁶ *Id.* at 6

characteristics. Public Interest Commenters recommend a large sample that can be further subdivided so as to permit nested studies thereby allowing a multifaceted and multilayered evaluation of different components of broadband adoption.

In addition, Public Interest Commenters propose an open process that ultimately makes available anonymized raw data and specific metrics to permit replication of its studies and further experimentation. The Commission should also determine whether it would require Institutional Review (“IRB”) approval for its study.¹⁷ The Commission should consult with community organizations and BTOP grant recipients to develop instruments for data-gathering that do not compromise the privacy of pilot participants and that also collect sufficiently standardized data for quantitative analysis.

2. Pilot Program Structure

With regard to structure of the pilot program, the Commission asks whether it should “structure the pilot program so that each individual participant tests multiple design elements” or whether “each participant [should] test a single variable for comparison against pilots operated by other participants.”¹⁸ Public Interest Commenters recommend a series of nested design studies that examine subsamples within a larger sample to measure the impact of adoption relative to other factors, such as the type of device used by participants.

The specifics of the nested studies design are adaptable to specific outcomes determined by the Commission. Three potential design examples are outlined in detail in the attached proposal and include: (1) an experimental research design that utilizes a 2 X 2 study to test the impact of contextual factors that affect broadband adoption; (2) qualitative case studies that

¹⁷ *Id.* at 7.

¹⁸ Public Notice at 3 (§ d-i)

could be used in conjunction with quantitative evaluations and could be best suited to certain nested queries and smaller sample sizes; (3) surveys using larger sample sizes to evaluate broader questions about use, obstacles, and various meanings of adoption.¹⁹

Ultimately, a mix of both quantitative (examples (1) and (3)) and qualitative studies (example (2)) would provide the richest, most valid and reliable analysis of a Lifeline pilot. The result would be the testing of hypotheses, but also the parsing of more nuanced questions related to malleable, less standardizable issues such as adoption.

3. Characteristics of Equipment as Relative to Adoption

The Commission poses several questions related to equipment costs as a barrier to adoption, including whether the fact that a piece of equipment is leased versus purchased would have an effect on adoption rates.²⁰ While there is certainly room in the attached proposal for the testing of these types of equipment characteristics, Public Interest Commenters strongly caution against a pilot design that would provide participants with a given piece of equipment, only to remove that equipment (through termination of a lease or otherwise) when the study is completed. Such a practice would fundamentally undermine the stated goals of the Commission and could ultimately deter future adoption efforts in the given pilot testing area.

However, access to equipment is a critical component of broadband adoption, and metrics that account for access should certainly be included in a pilot study. As an alternative to the question of the impact of leased versus purchased equipment, the Commission could evaluate whether participants currently own equipment capable of accessing the internet, whether that equipment is sufficient for accessing the internet, whether they have other means of utilizing

¹⁹ *Id.* at 6-7.

²⁰ Public Notice at 3 (§ d-ii).

other equipment for accessing the internet, etc. These types of questions, and others included in the appended proposal²¹, speak to the question of access from a broader perspective and focus on the sufficiency of the equipment to access the internet in meaningful ways and could provide insight on alternative, cost-effective ways in which access-related needs can be met (e.g., through the proximity of a community anchor institution or BTOP-funded public computing center). The modality-focused questions provided in the proposed study design illustrate useful examples of queries related to access and equipment.²²

As a related matter, Public Interest Commenters urge the Commission to include in its pilot program specific metrics for broadband providers such as speed, latency, etc, and to measure those metrics against pilot participant behavior to determine whether those factors serve as a barrier to adoption. Inclusion of provider-related questions would allow the Commission to analyze the ways in which broadband connection characteristics, in addition to those related to equipment access, affect participant adoption of internet services. Ultimately then, an effective study would include three types of data: (1) census (or census-like) data to provide experiment baselines; (2) pilot participant data; and (3) provider data.

4. Quantitative Metrics

In response to the Commission's request for comment on what qualitative metrics the Commission could use to "evaluate whether the approaches tested during the pilot program further the proposed goals of supporting broadband adoption for low-income households and making broadband affordable while providing support that is sufficient, but not excessive"²³ OTI

²¹ Appendix A at 2-3.

²² *Id.*

²³ Public Notice at 3 (§ d-iii).

provides in its attached proposal a series of questions that, as noted above, were designed by BTOP program partners and which test four categories of factors, those related to: (1) modality; (2) uses/learning/literacy; (3) relevance; and (4) satisfaction.²⁴ OTI has identified these categories and questions as potentially useful for conceptualizing and analyzing adoption based on its experience administering them in the BTOP program contexts. These questions could be incorporated by the Commission into its pilot program either through a qualitative survey or modified slightly in phrasing or delivery for use in quantitative study.²⁵

Modality in this context refers to the kind of device being used to access the Internet and its relative effect on the kinds of activities performed online. *Uses/learning/literacy* informs about those activities and the benefits they provide participants. *Relevance* measures the extent to which participants find Internet tools and connection useful in their lives. *Satisfaction* questions help measure the effectiveness of the pilot program.²⁶

In addition to these proposed quantitative metrics, Public Interest Commenters recommend that the Commission design any study or studies with careful attention to the establishment of baseline metrics, so that demographic and economic datasets (*e.g.*, those relating to census data, transit routes, available social and community services, proximity of community anchor institutions, etc...) can be factored into quantitative studies in order to isolate broadband adoption as the relevant variable.²⁷

²⁴ Appendix A at 2.

²⁵ Section *b 2* above presents the various potential experimental research designs (explained more fully on page 6 of the appended study), and those designs include both quantitative and qualitative components.

²⁶ Appendix A at 2.

²⁷ *Id.* at 5.

5. Evaluation of Relevant Impact of a Broadband Service Discount

The Commission's final inquiry related to pilot evaluation involves the relative impact of a Lifeline service discount for broadband versus other factors related to adoption.²⁸ This question is ultimately tied to methodology, and thus should be addressed broadly in our responses to previous questions. Indeed, a pilot modeled off of the attached proposal (or any quantitative research study designed using a tested statistical model) would, by design, permit the Commission to isolate and control for different variables, including variables related to the relative impact of a broadband service discount.

II. The Commission should not limit but rather expand eligibility and improve service for the low-income community

The Public Interest Commenters encourage the Commission to utilize eligibility based on household. By doing so, the program participants would be able to verify their income level down to a household of one. The Lifeline and Link Up programs are intended to support individuals facing poverty by providing communications access that could ease connections to assistance, medical services, education, and potential employers. Ultimately focusing on households as an individual or a group of individuals helps the Commission accurately identify those persons working together as an economic unit. Participants that meet the program's current 135% poverty guideline are highly likely to be living in transient living situations. If a participant is connected to private resources (through family or friends) he/she may be living within the same physical structure but not financially supported by other residents of the home. Homeless populations are increasing as a result of the recent economic downturn and many of individuals may be moving from shelter to shelter. If the program uses the income-focused household definition, the LifeLine and Link Up programs could successfully take advantage of

²⁸ Public Notice at 3 (§ d-iv).

the improvements in mobile telephony to reach all their intended participants. We urge the Commission to consider the eligibility requirements used by the Supplemental Nutrition Assistance Program (SNAP), which also focuses on income per household.

The TracFone process outlined by the Commission appears to be limited and because it takes so long to secure the work-around from the one-per residence rule the benefits of the process seem to be illusory. The Commission should avoid replicating a process that puts considerable burden on the group living facilities and the participants, especially when the process takes so long that those clients may have given up or moved on to a new location. Any work-around that is created must take into account the realities of transient living situations and the burden a work-around could place on temporary housing providers.

The MFY legal services proposal would provide a pathway for group living participants but would not necessarily provide a pathway for transient living situations. Opening the eligibility and verification process to accept bed numbers as unique address identifiers would be a great first step for group homes. However a simpler solution would be to use the income per household method to verify participants.

Conclusion

We appreciate the Commission's consideration of our input in this proceeding. We believe that by including broadband as an eligible service for Universal Service program and completing the docket to narrowly reclassify broadband the Commission will create the strongest legal footing needed for modernization of the Lifeline and Link Up programs as well as the larger Universal Service Fund. We also strongly encourage the Commission to utilize the pilots as an opportunity to test out potential changes to the program and to explore new partnerships. Strong and careful evaluation of these pilots can not only help harness data for the transition to

broadband but also explore ways to improve the administration of the program as well. It's critical that the Commission also take this proceeding as an opportunity to clarify and expand the eligibility process so that all potential participants can benefit from the Lifeline and Link Up program and are not discriminated against because of their non-traditional housing.

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